

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

(01) JOSE ALBERTO AGUILAR-CRUZ,
[DOB: 02-25-1978]

(03) LYNDALE CLARENCE SHIVE,
[DOB: 06-01-1943]

(04) DALLAS RAY PENDERGRASS,
[DOB: 09-15-1947]

(05) TRACY VICTORIA DOYLE,
[DOB: 08-28-1970]

(06) JOSE GUILLERMO GONZALES,
[DOB: 01-28-1985]

and

(07) JACOB MARK LOO,
[DOB: 11-01-1989]

Defendants.

Defendants/Counts:

Aguilar-Cruz: 1, 16-19

Shive: 1, 11

Pendergrass: 1, 12

Doyle: 1, 13-14

Gonzales: 1-4

Loo: 1, 5-10, 15

No. 17-03037-01/07-CR-S-SRB

**COUNTS ONE, ELEVEN, TWELVE, and
SIXTEEN**

21 U.S.C. §§ 841(a)(1) and (b)(1)(A)
NLT 10 Years, NMT Life Imprisonment
NMT \$10,000,000 Fine
NLT 5 Years Supervised Release
Class A Felony

COUNTS TWO and THIRTEEN

21 U.S.C. § 841(a)(1) and (b)(1)(B)
NLT 5 Years, NMT 40 Years Imprisonment
NMT \$5,000,000 Fine
NLT 4 Years Supervised Release
Class B Felony

COUNTS THREE and SEVENTEEN

18 U.S.C. § 924(c) and § 2
NLT 5 Years, NMT Life Imprisonment
NMT \$250,000 Fine
NMT 5 Years Supervised Release
Class A Felony

**COUNTS FOUR, FOURTEEN, and
EIGHTEEN**

18 U.S.C. § 922(g) and § 924(a)(2)
NMT 10 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class C Felony

**COUNTS FIVE, SIX, SEVEN, EIGHT,
NINE, TEN, and FIFTEEN**

21 U.S.C. § 841(a)(1) and (b)(1)(C)
NMT 20 Years Imprisonment
NMT \$1,000,000 Fine
NLT 3 Years Supervised Release
Class C Felony

COUNT NINETEEN

8 U.S.C. § 1326(a)

NMT 2 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class E Felony

FORFEITURE ALLEGATIONS

21 U.S.C. § 853

\$100 Special Assessment

(Each Count of Conviction)

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Conspiracy to Distribute 500 Grams or More of a Mixture or Substance
Containing a Detectable Amount of Methamphetamine)

21 U.S.C. § 841(a)(1) and (b)(1)(A) and § 846

Beginning on an unknown date, but at least as early as February 9, 2016, and continuing to on or about March 22, 2017, in Howell County, Jackson County, Polk County, Texas County, Webster County, and Wright County, in the Western District of Missouri, and elsewhere, the defendants, **JOSE ALBERTO AGUILAR-CRUZ, LYNDALL CLARENCE SHIVE, DALLAS RAY PENDERGRASS, TRACY VICTORIA DOYLE, JOSE GUILLERMO GONZALES, and JACOB MARK LOO**, knowingly and intentionally conspired and agreed with each other, and with others known and unknown to the Grand Jury, to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A) and Section 846.

COUNT TWO

(Possession with Intent to Distribute 50 Grams or More of a
Mixture or Substance Containing a Detectable Amount of Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(B)

On or about February 9, 2016, in Howell County, in the Western District of Missouri, the defendant, **JOSE GUILLERMO GONZALES**, knowingly and intentionally possessed with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B).

COUNT THREE

(Possession of a Firearm in Furtherance of a Drug Trafficking Offense)
18 U.S.C. § 924(c) and § 2

On or about February 9, 2016, in Howell County, in the Western District of Missouri, the defendant, **JOSE GUILLERMO GONZALES**, knowingly possessed firearms, to wit: a Taurus Judge .45 caliber/.410 gauge revolver, a Springfield Armory XD 9mm pistol, a Maverick Model 88 12 gauge shotgun, a Jimenez Arms .380 caliber pistol, and a CMMG Model Mk4 .223 caliber rifle, in furtherance of drug trafficking crimes for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute a controlled substance and possession with intent to distribute a controlled substance, in violation of Title 18, United States Code, Section 924(c)(1)(A) and Section 2.

COUNT FOUR

(Possession of a Firearm by a Prohibited Person)
18 U.S.C. § 922(g) and § 924(a)(2)

On or about February 9, 2016, in Howell County, in the Western District of Missouri, the defendant, **JOSE GUILLERMO GONZALES**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, several firearms, to wit: a Taurus Judge .45 caliber/.410 gauge revolver, a Springfield Armory XD 9mm pistol, a Maverick Model 88 12 gauge shotgun, a Jimenez Arms .380 caliber

pistol, and a CMMG Model Mk4 .223 caliber rifle, in violation of Title 18, United States Code, Section 922(g)(1) and Section 924(a)(2).

COUNT FIVE

(Distribution of Methamphetamine)

21 U.S.C. § 841(a)(1) and (b)(1)(C)

On or about October 5, 2016, in Howell County, in the Western District of Missouri, the defendant, **JACOB MARK LOO**, knowingly and intentionally distributed methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT SIX

(Distribution of Methamphetamine)

21 U.S.C. § 841(a)(1) and (b)(1)(C)

On or about October 11, 2016, in Howell County, in the Western District of Missouri, the defendant, **JACOB MARK LOO**, knowingly and intentionally distributed methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT SEVEN

(Distribution of Methamphetamine)

21 U.S.C. § 841(a)(1) and (b)(1)(C)

On or about October 14, 2016, in Howell County, in the Western District of Missouri, the defendant, **JACOB MARK LOO**, knowingly and intentionally distributed methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT EIGHT

(Distribution of Methamphetamine)

21 U.S.C. § 841(a)(1) and (b)(1)(C)

On or about October 31, 2016, in Howell County, in the Western District of Missouri, the defendant, **JACOB MARK LOO**, knowingly and intentionally distributed methamphetamine, a

Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT NINE
(Distribution of Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(C)

On or about November 15, 2016, in Howell County, in the Western District of Missouri, the defendant, **JACOB MARK LOO**, knowingly and intentionally distributed methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT TEN
(Distribution of Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(C)

On or about November 21, 2016, in Howell County, in the Western District of Missouri, the defendant, **JACOB MARK LOO**, knowingly and intentionally distributed methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT ELEVEN
(Possession with Intent to Distribute 50 Grams or More of Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(A)

On or about December 14, 2016, in Wright County, in the Western District of Missouri, the defendant, **LYNDALL CLARENCE SHIVE**, knowingly and intentionally possessed with intent to distribute 50 grams or more of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A).

COUNT TWELVE
(Possession with Intent to Distribute 500 Grams or More of a
Mixture or Substance Containing a Detectable Amount of Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(A)

On or about December 27, 2016, in Webster County, in the Western District of Missouri, the defendant, **DALLAS RAY PENDERGRASS**, knowingly and intentionally possessed with

intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A).

COUNT THIRTEEN

(Possession with Intent to Distribute 50 Grams or More of a
Mixture or Substance Containing a Detectable Amount of Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(B)

On or about February 19, 2017, in Howell County, in the Western District of Missouri, the defendant, **TRACY VICTORIA DOYLE**, knowingly and intentionally possessed with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B).

COUNT FOURTEEN

(Possession of a Firearm by a Prohibited Person)
18 U.S.C. § 922(g) and § 924(a)(2)

On or about February 19, 2017, in Howell County, in the Western District of Missouri, the defendant, **TRACY VICTORIA DOYLE**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, to wit: a Remington Sportsman 78 .243 caliber rifle, in violation of Title 18, United States Code, Section 922(g)(1) and Section 924(a)(2).

COUNT FIFTEEN

(Attempted Possession with Intent to Distribute Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(C) and § 846

On or about February 19, 2017, in Howell County, in the Western District of Missouri, the defendant, **JACOB MARK LOO**, knowingly and intentionally attempted to possess with intent to distribute methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Section 846.

COUNT SIXTEEN

(Distribution of 50 Grams or More of Methamphetamine)
21 U.S.C. § 841(a)(1) and (b)(1)(A) and 18 U.S.C. § 2

On or about March 22, 2017, in Polk County, in the Western District of Missouri, the defendant, **JOSE ALBERTO AGUILAR-CRUZ**, aiding and abetting another, knowingly and intentionally distributed 50 grams or more of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT SEVENTEEN

(Possession of a Firearm in Furtherance of a Drug Trafficking Offense)
18 U.S.C. § 924(c) and § 2

On or about March 22, 2017, in Polk County, in the Western District of Missouri, the defendants, **JOSE ALBERTO AGUILAR-CRUZ**, aiding and abetting another, knowingly possessed a firearm, that is, a Hi-Point 9mm handgun, in furtherance of drug trafficking crimes for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute a controlled substance and distribution of a controlled substance, in violation of Title 18, United States Code, Section 924(c)(1)(A) and Section 2.

COUNT EIGHTEEN

(Possession of a Firearm by a Prohibited Person)
18 U.S.C. § 922(g) and 18 U.S.C. § 2

On or about March 22, 2017, in Polk County, in the Western District of Missouri, the defendant, **JOSE ALBERTO AGUILAR-CRUZ**, an alien illegally or unlawfully in the United States, and having been convicted of a misdemeanor crime of domestic violence, and aiding and abetting another, knowingly possessed, in and affecting interstate commerce, a firearm, that is, a Hi-Point 9mm handgun, in violation of Title 18, United States Code, Section 922(g)(5)(A) and (9), Section 924(a)(2), and Section 2.

COUNT NINETEEN

(Deported or Removed Alien Reentering the United States Without Consent)
8 U.S.C. § 1326(a)

On or about March 22, 2017, in Polk County, in the Western District of Missouri, the defendant, **JOSE ALBERTO AGUILAR-CRUZ**, an alien, was found in the United States after having been deported therefrom on or about March 22, 2006, and on or about February 26, 2010, and not having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).

FORFEITURE ALLEGATION ONE

21 U.S.C. § 853

The allegations contained in Count One, above, are hereby incorporated as though fully set forth herein for the purpose of charging criminal forfeiture to the United States of America pursuant to Title 21, United States Code, Section 853.

As a result of committing the violation alleged in Count One, the defendant, **JOSE GUILLERMO GONZALES**, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the said violation, and any and all of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the said violation.

FORFEITURE ALLEGATION TWO

21 U.S.C. § 853

The allegations contained in Count One, above, are hereby incorporated as though fully set forth herein for the purpose of charging criminal forfeiture to the United States of America pursuant to Title 21, United States Code, Section 853.

As a result of committing the violation alleged in Count One, the defendant, **DALLAS RAY PENDERGRASS**, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the said violation, and any and all of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the said violation.

A TRUE BILL.

/s/ Gary Tombridge
FOREPERSON OF THE GRAND JURY

/s/ Timothy A. Garrison
TIMOTHY A. GARRISON
Assistant United States Attorney

Date: 12/12/2017